

MINUTES
ALABAMA REAL ESTATE APPRAISERS BOARD
RSA UNION BUILDING
100 NORTH UNION STREET
SUITE 370
MONTGOMERY, ALABAMA
January 18, 2002

MEMBERS PRESENT:

Mr. Kenneth Keener
Mrs. Jane Mardis
Mr. Ronald Parker (arriving at 9:40 a.m.)
Mr. Steve Martin
Mr. Chester Mallory
Mr. Wilder H. Cheney
Mr. Gary Carter
Mr. Otis Stewart, Jr.

MEMBERS ABSENT:

Mr. R. L. Farmer, Jr.

OTHERS PRESENT:

Mr. J.W. Holland, Jr.
Mrs. Lisa Brooks
Ms. Neva Conway

GUESTS PRESENT:

Mr. Mandell Tillman

- 1.0 With quorum present Mrs. Jane Mardis, Vice-Chairman called the meeting to order at 9:10 a.m. The meeting was held at the RSA Union Building, 100 N. Union Street, 3rd. Floor Conference Room, Montgomery, Alabama.
- 2.0 Members present were Mrs. Jane Mardis, Mr. Ronald Parker (arriving at 9:40 a.m.), Mr. Steve Martin, Mr. Wilder H. Cheney, Mr. Chester Mallory, Mr. Gary Carter, Mr. Otis Stewart, Jr. and Mr. Ken Keener. Member absent was Mr. R. L. Farmer, Jr.

At this time the Board and staff welcomed new Member-At-Large Mr. Gary L. Carter. Mr. Carter is replacing Mr. Gary Archer who passed away in November. Mr. Carter is from Munford, Alabama.

Mr. Mandell Tillman spoke to the Board regarding DOT employees, etc. becoming certified appraisers without becoming a Trainee first. This would apply to all agencies that are exempt from our law.

On motion by Mr. Cheney and second by Mr. Martin the Board voted to approve the concept of reviewing experience work product credit for an applicant who is presently exempt from the license requirement i.e. DOT, staff appraiser, tax appraiser, etc. on the same basis as a Trainee. Those in favor, Mr. Keener, Mr. Mallory, Mrs. Mardis, Mr. Stewart, Mr. Cheney, Mr. Martin. With Mr. Parker and Mr. Carter abstaining the motion carried.

At this time Mrs. Mardis turned the meeting over to Mr. Parker.

- 3.0 On motion by Mr. Mallory and second by Mrs. Mardis the regular minutes for December 14, 2001 were approved as written. All in favor, motion carried.

- 3.2 Ms. Conway informed the Board that Judge Thompson granted the summary judgment in favor of the remaining defendants in the Jones vs. Siegelman discrimination case.

Ms. Conway informed that Board that a hearing has been set for January 28, 2002 in Clarke County on motions set for change of venue in the John R. Knight and John K. Knight case.

- 4.0 Mrs. Mardis discussed the Full Disclosure Bill with the Board, which is expected to be introduced soon in the current regular session of the Legislature.

Ms. Conway stated that Sen. Means and Rep. Grantland would sponsor our Bill (SB307)(HB400).

Ms. Conway informed the Board the Generic Compensation Bill (HB137) sponsored by Rep. Hogan has passed out of committee.

Ms. Conway discussed with the Board the Home Builders Bill (SB56) changes including establishment of a recovery fund.

Ms. Conway informed the Board that the Home Inspectors Bill (SB85) assigning them to the Building Commission has passed through the Senate, gone to the House and appears to be on the fast track.

Mr. Keener left the meeting at 10:35 a.m.

- 5.0 On motion by Mrs. Mardis and second by Mr. Mallory the following applications were voted on as listed. All in favor, motion carried.
- 5.1 **Trainee Real Property Appraiser applications approved:** Nancy Case, Gregory S. Dalton, Brenda Driver, Fay Farmer, Mary Foster, Joseph Freeman, Matthew T. Heinecke, Lori Holley, Chris Jones, Rodney Ming, Anthony Stinson.
- 5.2 **State Registered Real Property Appraiser applications deferred:** Mr. Larry W. Humber.
- 5.3 **Licensed Real Property Appraiser applications denied:** Christopher W. Smith.
- 5.4 **Certified Residential Real Property Appraiser applications approved:** Martin Duerrmeier (Recip.)(MS), Herman L. Jaggars. **Applications deferred:** Charles L. Robertson, III, Jennifer K. Spears.
- 5.5 **Certified General Real Property Appraiser application approved:** Jack Koenig (Recip.)(GA).

The Experience Committee deferred the discussion on the Timberland Appraisals that Mr. Parker gave them to review for experience credit. They will review at length and discuss at next meeting.

- 6.0 Mr. Mallory gave financial report informing the Board that we were 25% into the fiscal year and 25% into budget expenditures. Mr. Holland stated at this time there were no negative trends of concern. Mr. Holland explained how the number of licensee fees received before September 30 or on and after September 30 of any given year could give the appearance of a fluctuating licensee population from one year to the next when actually the number of licensees has remained mostly static but their payments can go into either Fiscal Year depending on when received. For purposes of the budget report September 30 is the end of one Fiscal Year and October 1 the beginning of the next Fiscal Year. On motion by Mr. Parker and second by Mr. Martin the Board voted to accept the financial report as read. All in favor, motion carried.
- 6.1 On motion by Mr. Cheney and second by Mr. Martin the following education courses and instructor recommendations were approved or denied as indicated:

ALABAMA ASSOCIATION OF ASSESSING OFFICIALS (AARO)

(C.E.) Synthetic Stucco – 4 Hours – **Approved**

(Approved Instructors: Mr. Richard Maloy & Mr. Richard LaFramboise

All in favor, motion carried.

- 6.2 The Board reviewed the following disciplinary report, which was included in their Board books. On December 7, 2001 a Letter of Warning was issued to a Trainee Real Property Appraiser in connection with the appraisal of a single-family residential property in which he signed as the primary appraiser. The Letter of Warning is an informal disciplinary action and will be a permanent document maintained in the investigative file. This disciplinary action will be considered in any future discipline proceedings. The USPAP violations identified in the appraisal report are detailed as follows: Licensee reported an effective age of 10 vs. an actual physical age of 65 years for the Subject without reporting any supporting explanation or documentation of repairs or rehabilitation that would support such a low effect age. Violation: 1-3(a); 2-1(a); Uniform Standards of Professional Appraisal Practice, 2000 Edition. Licensee failed to analyze the sales contract that was included in the subject appraisal report. Violation: 1-5(a); Uniform Standards of Professional Appraisal Practice, 2000 Edition.

Mr. Holland discussed with the Board the investigative status charts. After reviewing these status charts the Board commended Mr. Holland and the investigative staff for the good work in their progress toward cleaning up the cases.

- 6.2.1 The Board reviewed Probable Cause Reports AB-01-37 and AB-01-38 (Companion Cases). On motion by Mr. Martin and second by Mrs. Mardis the Board found that probable cause did exist. All in favor, motion carried. On motion by Mr. Cheney and second by Mr. Martin the Board voted to follow the investigators recommendation to issue a Letter of Warning. All in favor, motion carried.

Board reviewed Probable Cause Reports AB-00-64 and AB-00-65 (Companion Cases). On motion by Mr. Martin and second by Mr. Cheney the Board found that probable cause did exist. All in favor, motion carried. On motion by Mr. Cheney and second by Mrs. Mardis the Board voted to follow the investigators recommendation to proceed with a formal investigation. All in favor, motion carried.

- 6.2.2 No anonymous complaints reported since last month.

- 6.2.3 Board reviewed negotiated Consent Settlement Orders on AB-98-32, AB-98-33, AB-98-34, AB-98-42, AB-99-33, AB-00-93 and AB-00-94. On motion by Mr. Mallory and second by Mr. Cheney the Board voted to approve action on the Consent Settlement Orders. All in favor, motion carried.

Board reviewed negotiated Consent Settlement Orders on AB-98-16, AB-98-20, AB-00-05, AB-01-31, AB-01-32, AB-01-33, AB-01-58, and AB-01-59. On motion by Mr. Cheney and second by Mr. Martin the Board voted to approve action on the Consent Settlement Orders. All in favor, motion carried.

Board reviewed negotiated Consent Settlement Order on AB-00-14 with addition of amended dismissal of AB-99-73. On motion by Mr. Mallory and second by Mr. Cheney the Board voted to approve action on the Consent Settlement Order with the amended addition. All in favor, motion carried.

Board reviewed negotiated Consent Settlement Order on AB-00-06, AB-00-15, AB-00-16, AB-00-21, and AB-00-45. On motion by Mr. Martin and second by Mr. Mallory the Board voted to approve action on the Consent Settlement Orders. All in favor, motion carried.

6.3 No reciprocal agreements to report since last meeting.

6.4 The following reciprocal licenses were issued since last Board meeting: Martin Duerrmeier (R)(MS), Jack Koenig (G)(GA).

7.0 The temporary permit report was provided to the Board for their information.

At 11:40 a.m. on motion by Mr. Parker and second by Mr. Martin the Board voted to go into Executive Session to discuss good name and character. All in favor, motion carried.

At 12:40 p.m. the Board went back into Regular Session.

8.0 Mr. Holland updated the Board on Ms. Jennifer Henderson health.

Mr. Martin asked that the Prayer and Pledge of Allegiance be added as an agenda item.

The Board discussed the Trainee/Supervisor Policy. The Board will take this up again next month and continue to fine tune.

Mr. Holland included in the Board books the recent AARO Newsletter for information. Mr. Holland informed the Board that he had been appointed to serve on the Program Committee and Mr. Mallory was appointed to serve on the Finance Committee for AARO.

Mr. Holland included in the Board books a recent staff photograph.

Mr. Holland informed the Board that our Subcommittee Audit would be on March 14-15, 2002, which would coincide with that month's Board meeting.

Mr. Holland included Declaratory Ruling 2000-1 for Board information.

Mr. Holland included in books the recent REAB Newsletter.

Mr. Holland informed the Board that as of December 12, 2001 we have received approximately 90% of the renewals.

On motion by Mr. Parker and second by Mrs. Mardis the Board voted to approve a 5% cost of living raise for Mr. Holland. All in favor, motion carried.

The next meeting will be on February 15, 2002.

9.0 Meeting adjourned at 12:55 p.m.

Sincerely,

Lisa Brooks
Executive Secretary

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APPROVED: _____
Ronald Parker, Chairman